

REMARKS

Reconsideration of the Application respectfully is requested. For the reasons indicated hereafter, the Application is urged to be in condition for allowance.

As requested at the top of Page 2 of the Official Action, Applicant submits new photographs herewith wherein no captions appear on the photographic image. It respectfully is submitted however, that nothing appeared in the original photographs which detracted from their usefulness in the printed patent.

Also, as requested by the Examiner at Page 3 of the Official Action, additional botanical information concerning the 'Little Joe' variety has been diligently sought and is provided in the Substitute Specification filed herewith to the extent available. It respectfully is submitted that those skilled in plant science will have no difficulty in identifying plants of the 'Little Joe' variety in view of Applicant's detailed Specification and photographs. The withdrawal of the rejection under 35 U.S.C. § 112 is urged to be in order and is respectfully requested.

If there is any remaining point that requires clarification prior to allowance, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 12, 2004

By: Benton S. Duffett Jr.
Benton S. Duffett, Jr.
Registration No. 22,030

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620
VA 443753.1

AMENDMENTS TO THE DRAWINGS:

Delete the photographs that were originally filed and substitute new FIGS. 1 to 4 that are submitted in duplicate herewith plus a photocopy.